UNITED STATES SUPREME COURT

NO. 83-949

WILLIAM H. STEPNEY, JR.,
Petitioner :

V.

STATE OF CONNECTICUT,
Respondent : FEBRUARY 8, 1984

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MOTION FOR DAMAGES

Pursuant to Rule 49.2, the respondent State of Connecticut moves for damages in the amount of $500 on the ground that the petition for certiorari is frivolous. As argued in the state's Brief in Opposition to the Petition for Certiorari, none of the four issues raised by the petitioner in this Court was seasonably presented as a federal question in the Connecticut Supreme Court. Moreover, as also argued, these issues are wholly insubstantial on the merits. Indeed, the petitioner raised as one of his issues the contention that the trial court erred in instructing the jury that they may consider the defendant's interest in the verdict, but the petitioner failed even to cite much less attempt to discredit this Court's decision in Reagan v. United States, 157 U.S. 301 (1894), which upheld the validity of precisely this instruction.

The Court recently granted a respondent's Rule 49.2 motion for $500 damages in Tatum v. Regents of the University of Nebraska, 103 S.Ct. 3084 (1983). Such an award in the present case will help compensate the State for expenses that it should not have had to incur as well as deter other frivolous petitions for certiorari. For these reasons, the motion for damages should be granted.

RESPECTFULLY SUBMITTED,

STATE OF CONNECTICUT
Respondent

Carl Schuman

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CERTIFICATION

I hereby certify that a copy of the above was mailed to James A. Wade, Esquire and Sally S. King, Esquire, Robinson, Robinson and Cole, 799 Main Street, Hartford, Connecticut 06103, Counsel for the Petitioner.

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